

United States District Court

WESTERN DISTRICT OF NORTH CAROLINA

FILED
ASHEVILLE, N.C.

DEC -6 2007

U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

DAVID BRUCE JENKINS

NUMBER: 1:07mj130

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 3, 2007 in Buncombe County, in the

Western District of North Carolina defendant(s) did, (Track Statutory Language o

attempt to persuade, induce, entice, or coerce any individual who has not attained the age of 18 years to engage in any sexual activity for which one can be charged with a criminal offense and in so doing used a facility and means of interstate and foreign commerce, that being the use of a computer via the Internet

in violation of Title 18 United States Code, Section(s) 2422(b)

I further state that I am a(n) Special Agent - Federal Bureau of Investigation and that this complaint is based on the following facts:

Official Title

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

SA Andrew F. Grafton

Sworn to before me and subscribed in my presence,

Special Agent
Federal Bureau of Investigation

December 6, 2007 at Asheville, North Carolina

Dennis L. Howell U.S. Magistrate Judge
Name & Title of Judicial Officer

Dennis L. Howell
Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT Your affiant, Andrew F. Grafton, being duly sworn, deposes and states as follows:

INTRODUCTION

1. I am employed as a Special Agent (SA) of the Federal Bureau of Investigation (FBI), an investigative law enforcement officer of the United States of America as described in Title 18, United States Code, Section 2510(7), and have been so employed for approximately three years. I am currently assigned to the Asheville Resident Agency within the Charlotte Division of the Federal Bureau of Investigation and am responsible for investigating computer crimes. I have executed many search warrants and arrest warrants in connection with these and other types of crimes.

2. I am conducting an investigation involving the sexual exploitation of children and related activities of the individual named herein. I have personally participated in the investigation of the offense referred to herein, and because of my personal participation in this investigation and reports made to me by members of participating law enforcement agencies, I am familiar with the facts and circumstances of this investigation.

3. Although I am familiar with the full breadth of the facts and circumstances of this investigation, I have not included in the affidavit each and every fact known to me about the matters set forth herein, but only those facts and circumstances that I believe are sufficient to establish probable cause for this Court to authorize the issuance of a

criminal complaint.

4. This affidavit is made in support of a criminal complaint against David Bruce Jenkins of 2502 Devon Drive, Monroe, North Carolina 28110, for violation of Title 18 USC 2422(b).

5. 18 USC 2422(b) makes it a federal crime for whoever, using the mail or any facility or means of interstate or foreign commerce, that being the use of a computer via the Internet, to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life.

PROBABLE CAUSE

6. On November 21, 2007 a Buncombe County Sheriff's Office, (BCSO) Buncombe County, North Carolina, Detective was conducting an online Internet investigation using an undercover Yahoo! account with screen name "iamafungurl11" and whose profile was that of an 11 year old female named Kayla residing in the Asheville, North Carolina area. The BCSO detective was in a Yahoo! local romance chat room when an individual using the Yahoo! screen name "Lquid_dragon" initiated an instant message conversation or chat session with Iamafungurl11.

7. During the initial contact, Lquid_dragon requested a

photograph from Iamafungurl11. The BCSO detective responded to Liquid_dragon by sending him a photograph of what appeared to be an 11 year old girl approved for undercover work. Liquid_dragon provided a photograph of himself to Iamafungurl11 in return.

8. Liquid_dragon led the conversation with the BCSO detective. Early in the chat session, Liquid_dragon provided his age as 47 years old and acknowledged that he knew Iamafungurl11 was 11 years old. Following are excerpts from the chat session:

[break]

iamafungurl11 (11/21/2007 3:15:20 PM): asl?
Liquid_dragon (11/21/2007 3:15:27 PM): 47
iamafungurl11 (11/21/2007 3:15:33 PM): k
Liquid_dragon (11/21/2007 3:15:39 PM): ok
iamafungurl11 (11/21/2007 3:15:40 PM): im 11 f is that kewl with u right?
Liquid_dragon (11/21/2007 3:15:45 PM): yep
Liquid_dragon (11/21/2007 3:15:46 PM): it is
[break]

9. Liquid_dragon controlled the content of the conversation and steered it to a sexual nature on several occasions. Below are exerts of the chat session showing the sexual nature:

[break]

Liquid_dragon (11/21/2007 3:22:55 PM): been naughty off the comp
iamafungurl11 (11/21/2007 3:23:08 PM): well... wat u mean mby nawty?
iamafungurl11 (11/21/2007 3:23:09 PM): IOL
Liquid_dragon (11/21/2007 3:24:03 PM): lol
Liquid_dragon (11/21/2007 3:24:13 PM): showing off your body
Liquid_dragon (11/21/2007 3:24:21 PM): or fooling around
iamafungurl11 (11/21/2007 3:24:25 PM): oh... lol----- well i geuss a lil
Liquid_dragon (11/21/2007 3:24:25 PM): or sex
iamafungurl11 (11/21/2007 3:24:29 PM): no sex not yet
Liquid_dragon (11/21/2007 3:24:34 PM): mmmm really now
iamafungurl11 (11/21/2007 3:24:34 PM): foolin and stuff

Liquid_dragon (11/21/2007 3:24:52 PM):	what all have you done if i may ask
iamafungurl11 (11/21/2007 3:25:06 PM):	kissed my exbf and he wantted me to touche him so did
Liquid_dragon (11/21/2007 3:25:19 PM):	mmmmmm did you like it
iamafungurl11 (11/21/2007 3:25:25 PM):	yea
iamafungurl11 (11/21/2007 3:25:26 PM):	hehe
iamafungurl11 (11/21/2007 3:25:30 PM):	:">
Liquid_dragon (11/21/2007 3:25:39 PM):	cool
iamafungurl11 (11/21/2007 3:25:43 PM):	:)
Liquid_dragon (11/21/2007 3:25:55 PM):	how far would you go with me
iamafungurl11 (11/21/2007 3:26:13 PM):	ummm.. i dunno---- i dont have allot of expedrience and stuff
Liquid_dragon (11/21/2007 3:26:23 PM):	really now
Liquid_dragon (11/21/2007 3:26:29 PM):	no problem
iamafungurl11 (11/21/2007 3:26:33 PM):	it isnt?
iamafungurl11 (11/21/2007 3:26:35 PM):	?
Liquid_dragon (11/21/2007 3:27:01 PM):	nope
Liquid_dragon (11/21/2007 3:27:08 PM):	i could teach you if you like
iamafungurl11 (11/21/2007 3:27:24 PM):	no way???? u woud do that 4 me? really? or just plaeying?
Liquid_dragon (11/21/2007 3:27:40 PM):	really
iamafungurl11 (11/21/2007 3:27:47 PM):	omg... wow :) :)
iamafungurl11 (11/21/2007 3:28:12 PM):	ru seroius with me stop kiddieng around if u r?
Liquid_dragon (11/21/2007 3:28:23 PM):	i am serious
[break]	

10. As the chat session progressed, Liquid_dragon suggested that he and Iamafungurl11 should meet and begins asking her for information about where she lives and where they could meet. Liquid_dragon and Iamafungurl11 discuss the area in which she lives during several chat sessions. In some of the chat sessions, Liquid_dragon indicates that he has used www.mapquest.com to both map out directions to Iamafungurl11's address and to view aerial or satellite images of the surrounding area offered by www.mapquest.com.

[break]	
Liquid_dragon (11/21/2007 3:41:14 PM):	i will let you know when
Liquid_dragon (11/21/2007 3:41:30 PM):	what part of ashviell do you live
iamafungurl11 (11/21/2007 3:41:37 PM):	east asheville...
Liquid_dragon (11/21/2007 3:41:54 PM):	ok near I40 then
iamafungurl11 (11/21/2007 3:42:02 PM):	yea.. right off i40
Liquid_dragon (11/21/2007 3:42:09 PM):	cool
Liquid_dragon (11/21/2007 3:42:20 PM):	shouldnt be to bad to find you
[break]	
Liquid_dragon (11/21/2007 3:44:13 PM):	give me the addy

iamafungurl11 (11/21/2007 3:44:16 PM):
 iamafungurl11 (11/21/2007 3:44:35 PM):
 iamafungurl11 (11/21/2007 3:44:37 PM):
Liquid_dragon (11/21/2007 3:45:25 PM):
 iamafungurl11 (11/21/2007 3:45:43 PM):
 iamafungurl11 (11/21/2007 3:45:45 PM):
Liquid_dragon (11/21/2007 3:46:19 PM):
 iamafungurl11 (11/21/2007 3:46:24 PM):
Liquid_dragon (11/21/2007 3:46:30 PM):
 iamafungurl11 (11/21/2007 3:46:35 PM):
Liquid_dragon (11/21/2007 3:47:09 PM):
 iamafungurl11 (11/21/2007 3:47:17 PM):
Liquid_dragon (11/21/2007 3:47:35 PM):
 iamafungurl11 (11/21/2007 3:47:39 PM):
Liquid_dragon (11/21/2007 3:48:59 PM):
 iamafungurl11 (11/21/2007 3:49:15 PM):
 iamafungurl11 (11/21/2007 3:49:20 PM):
Liquid_dragon (11/21/2007 3:49:22 PM):
Liquid_dragon (11/21/2007 3:49:30 PM):
 [break]

k
 1314 tunnel road scenic view mobile home park... lot 44c
 asheville nc
whats the zip
 28805
 sry
ok i will look up on map quest
 oh ok kewl
and see how long that woud take to get there
 oh ok kewl
and i will let you know when i am able to make it
 kewl!!!!!!!!!!!!!! reallllly?
yep really
 kewl!!!!!!!!!!!!!!
wish i could see you naked
 u wanna see me nakked????? reallllly?????????
 :">
yep
can you take a pic

11. Between November 21st and December 3rd, Liquid_dragon and Iamafungurl11 engaged in several additional chat sessions in which Liquid_dragon repeatedly directed the conversations to a sexual nature. In the chat sessions, Liquid_dragon inquired both about what sexual experiences Iamafungurl11 has had with men and tells her what he would like to do to her when they meet. During these chat sessions, Liquid_dragon and Iamafungurl11 establish the details of when and how they would meet.

[break]
Liquid_dragon (11/26/2007 11:50:53 AM):
 iamafungurl11 (11/26/2007 11:50:59 AM):
 iamafungurl11 (11/26/2007 11:51:00 AM):
Liquid_dragon (11/26/2007 11:51:07 AM):
Liquid_dragon (11/26/2007 11:51:12 AM):
 iamafungurl11 (11/26/2007 11:51:20 AM):
Liquid_dragon (11/26/2007 11:51:27 AM):
Liquid_dragon (11/26/2007 11:51:32 AM):
 iamafungurl11 (11/26/2007 11:51:38 AM):
Liquid_dragon (11/26/2007 11:51:41 AM):
Liquid_dragon (11/26/2007 11:51:59 AM):

what do you like to wear
 i love skirts
 :)
mmmmm i love skirts too
the little plaid ones
 ewwww.. nope... i have a black one
nice
how short is it
 just avbove my knees
nice
you ever think about not wearing any panties when
you have it on

[break]
Liquid_dragon (11/26/2007 11:55:55 AM):
 iamafungurl11 (11/26/2007 11:56:01 AM):
Liquid_dragon (11/26/2007 11:56:13 AM):

what grade areyou in
 8
middle school

iamafungurl11 (11/26/2007 11:56:17 AM):	yep
Liquid_dragon (11/26/2007 11:56:21 AM):	coool
iamafungurl11 (11/26/2007 11:56:42 AM):	yea
Liquid_dragon (11/26/2007 11:57:39 AM):	kayla tell you have never had sex have you
iamafungurl11 (11/26/2007 11:57:47 AM):	no im a virgan
Liquid_dragon (11/26/2007 11:57:59 AM):	ok
Liquid_dragon (11/26/2007 11:58:29 AM):	you said last time you let your ex-b/f touch you
Liquid_dragon (11/26/2007 11:58:36 AM):	where did you let him touch
iamafungurl11 (11/26/2007 11:58:57 AM):	on my private areas... hehe
Liquid_dragon (11/26/2007 11:59:04 AM):	ohhhh i see
Liquid_dragon (11/26/2007 11:59:14 AM):	did he touch skin or through panties
iamafungurl11 (11/26/2007 11:59:25 AM):	skin
Liquid_dragon (11/26/2007 11:59:39 AM):	i see
Liquid_dragon (11/26/2007 11:59:52 AM):	tell me how did you like it and how far did he go
iamafungurl11 (11/26/2007 12:00:03 PM):	i liked it allot and we just kissed and touched
Liquid_dragon (11/26/2007 12:00:11 PM):	did you touch him too
[break]	
Liquid_dragon (11/26/2007 12:07:46 PM):	what would you do when i come to see you
iamafungurl11 (11/26/2007 12:08:31 PM):	i dunno... im game to anything--- wat do u wanna do?
Liquid_dragon (11/26/2007 12:08:53 PM):	hehehehe
iamafungurl11 (11/26/2007 12:09:01 PM):	wat?
Liquid_dragon (11/26/2007 12:09:01 PM):	play teacher student
iamafungurl11 (11/26/2007 12:09:02 PM):	lol
iamafungurl11 (11/26/2007 12:09:07 PM):	how do u play that
Liquid_dragon (11/26/2007 12:09:29 PM):	you be the student and i be the teacher
[break]	

12. At this point in the chat session which occurred on November 26, 2007, Liquid_dragon attempts to engage in cyber sexual activity with Iamafungurl11. After Iamafungurl11 refuses, Liquid_dragon continues to describe what will happen when they meet.

[break]	
Liquid_dragon (11/26/2007 12:28:05 PM):	what are you wearing now
iamafungurl11 (11/26/2007 12:28:14 PM):	jeans and a tshirt
Liquid_dragon (11/26/2007 12:28:51 PM):	want to have some naughty fun onw
Liquid_dragon (11/26/2007 12:28:54 PM):	now
iamafungurl11 (11/26/2007 12:29:01 PM):	kewl... really???????
iamafungurl11 (11/26/2007 12:29:02 PM):	:)
Liquid_dragon (11/26/2007 12:29:14 PM):	take off your jeans
iamafungurl11 (11/26/2007 12:29:27 PM):	nah.... i dont do cyber stuff
[break]	
Liquid_dragon (11/26/2007 12:31:50 PM):	would love for you to touch me
iamafungurl11 (11/26/2007 12:32:17 PM):	kewl!!!! i woud try if u wantted me to
Liquid_dragon (11/26/2007 12:32:35 PM):	i would teach you how to touch and feel
[break]	
Liquid_dragon (11/26/2007 12:37:52 PM):	i would teach you how to have sex
iamafungurl11 (11/26/2007 12:37:57 PM):	kewl!
iamafungurl11 (11/26/2007 12:37:58 PM):	ok
iamafungurl11 (11/26/2007 12:38:02 PM):	i dont wanna get preggant

Liquid_dragon (11/26/2007 12:38:02 PM): how to explore your body
Liquid_dragon (11/26/2007 12:38:16 PM): np
Liquid_dragon (11/26/2007 12:38:36 PM): have you ever had an orgasm
iamafungurl11 (11/26/2007 12:38:41 PM): a wat
Liquid_dragon (11/26/2007 12:39:12 PM): it is a feeling you have you have an sexual experiance
iamafungurl11 (11/26/2007 12:39:20 PM): oh.. i dont think so
Liquid_dragon (11/26/2007 12:39:25 PM): it is a good feeling
iamafungurl11 (11/26/2007 12:39:31 PM): kewl
Liquid_dragon (11/26/2007 12:39:47 PM): makes you feel good all over
iamafungurl11 (11/26/2007 12:39:50 PM): kewl
iamafungurl11 (11/26/2007 12:39:51 PM): :)
Liquid_dragon (11/26/2007 12:40:06 PM): it can come from stimulation of your clit
iamafungurl11 (11/26/2007 12:40:12 PM): oh ok
Liquid_dragon (11/26/2007 12:40:25 PM): or the easy stroking of your pussy
[break]
Liquid_dragon (11/26/2007 12:41:56 PM): it makes you moan and quiver
iamafungurl11 (11/26/2007 12:41:59 PM): kewl :)
Liquid_dragon (11/26/2007 12:42:17 PM): would love to make you have your first
Liquid_dragon (11/26/2007 12:42:20 PM): orgasm
[break]

13. During chat sessions on November 29th and 30th 2007, Liquid_dragon and iamafungurl11 finalize plans to meet the afternoon of November 30th. Liquid_dragon further describes what he wants to do to iamafungurl11 during the meeting. Again, Liquid_dragon acknowledges that iamafungurl11 is only 11 years old. Liquid_dragon indicates that he will be driving a gray pickup truck and that his first name is 'David'.

[break]

Liquid_dragon (11/29/2007 12:41:57 PM): i will make it there tomorrow
iamafungurl11 (11/29/2007 12:42:03 PM): kewl!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
iamafungurl11 (11/29/2007 12:42:14 PM): seriously???? so u want me for sure to skip rite?
Liquid_dragon (11/29/2007 12:42:18 PM): yes kewwwwwwwwwwwwwwwwwl
[break]
Liquid_dragon (11/29/2007 12:42:38 PM): will make it worth it for you
Liquid_dragon (11/29/2007 12:42:45 PM): cant wait
iamafungurl11 (11/29/2007 12:42:51 PM): i cant wait either!!!!!!!!!!!!!!!!!!!!!!
iamafungurl11 (11/29/2007 12:43:00 PM): how will u make it worth my while ? ;)
Liquid_dragon (11/29/2007 12:43:12 PM): iwill make you so wet and horny
iamafungurl11 (11/29/2007 12:43:20 PM): reallllllly?
iamafungurl11 (11/29/2007 12:43:22 PM): ;)
iamafungurl11 (11/29/2007 12:43:33 PM): so wat do u wanna do?
Liquid_dragon (11/29/2007 12:43:33 PM): yep
iamafungurl11 (11/29/2007 12:43:36 PM): seroiusly?
Liquid_dragon (11/29/2007 12:43:48 PM): i want to pop your cherry
iamafungurl11 (11/29/2007 12:43:53 PM): huh?
Liquid_dragon (11/29/2007 12:44:11 PM): think about it
iamafungurl11 (11/29/2007 12:44:17 PM): i am????????

Liquid_dragon (11/29/2007 12:44:30 PM):	have sex with you
[break]	
iamafungurl11 (11/29/2007 12:49:40 PM):	so like..... my age dont bother u for sure? bein 11
iamafungurl11 (11/29/2007 12:49:43 PM):	i just wanna make sure
Liquid_dragon (11/29/2007 12:50:16 PM):	nope
Liquid_dragon (11/29/2007 12:50:25 PM):	if it dont bother you
[break]	
Liquid_dragon (11/30/2007 10:00:43 AM):	i will be driving a pick up
Liquid_dragon (11/30/2007 10:00:57 AM):	light gray in color
[break]	
iamafungurl11 (11/30/2007 10:02:27 AM):	wats ur name? my jname is kayla brighton ;)
Liquid_dragon (11/30/2007 10:02:35 AM):	david

14. Liquid_dragon did not arrive for the scheduled meeting on November 30, 2007. He sent several offline messages to Iamafungurl11 indicating that he did arrive at the arranged meeting location but was several hours late because he had been delayed in traffic due to an accident that had occurred on highway 77.

15. On December 3, 2007, Liquid_dragon and Iamafungurl11 engaged in another chat session. During this chat session, Liquid_dragon explained that he had arrived at the scheduled meeting site late because of a traffic accident. During the chat, a second meeting was set up to occur at Aruba Joe's Tanning at 1310 Tunnel Road, Asheville, North Carolina on December 4, 2007 at 10:30AM.

16. On December 4, 2007, at approximately 10:40AM, members of the Buncombe County Anti-Crime Task Force (BCAT) observed a gray pickup truck pull into the parking lot of Aruba Joe's Tanning at 1310 Tunnel Road. One of the BCAT agents observed that the driver of the pickup truck appeared to match the individual pictured in the photograph sent to the BCSO detective

by Liquid_dragon. The pickup truck slowly pulled through the parking lot and then quickly turned onto U.S. Highway 70.

17. Based on the above circumstances, BCAT agents and BCSO deputies attempted to execute a vehicle car stop on the pickup truck. The pickup truck did not initially heed to the emergency lights of the law enforcement vehicles, instead accelerating on U.S. Highway 70 and running a red light. After the pickup truck turned off of U.S. Highway 70 onto Kensington Road, the driver stopped the pickup truck.

18. The driver of the pickup truck was taken into custody by BCSO deputies and searched. The driver was identified as David Bruce Jenkins of 2502 Devon Drive, Monroe, North Carolina 28110. During the search, a .25 caliber pistol was found in Jenkins's pocket. A .357 magnum pistol was found next to the driver's seat when the vehicle was searched. The .357 magnum pistol was secured in a holster but the retention strap was not fastened. In addition to the pistol, binoculars, a camcorder and blank tapes were found in the vehicle.

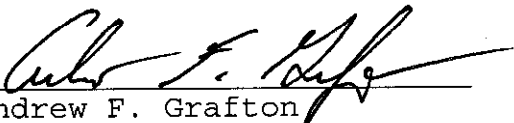
19. A criminal history report was requested by BCSO deputies and was negative. Jenkins did not have a concealed carry permit for either the .25 caliber pistol or the .357 magnum pistol.

20. Jenkins was transported to BCSO. Jenkins was provided with and invoked his Miranda Rights at which point an interview was not attempted.

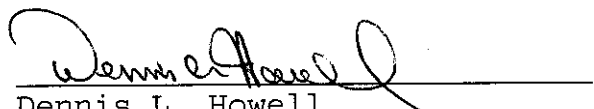
21. Jenkins was charged with Solicit Child by Computer, Carrying a Concealed Weapon and Failure to Heed Blue Light.

CONCLUSION

22. Based upon the forgoing, there is probable cause to believe that David Bruce Jenkins did attempt to persuade, induce, entice, or coerce any individual who has not attained the age of 18 years to engage in any sexual activity for which one can be charged with a criminal offense in violation of 18 USC 2422(b).


Andrew F. Grafton
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me this 6th day of December 2007.


Dennis L. Howell
United States Magistrate Judge